

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division

ALLAHTEEF SALAAM JONES, #1137356,

Petitioner,

v.

HAROLD W. CLARKE, Director,
Virginia Department of Corrections,

Respondent.

Case No.: 2:17-cv-531

FINAL ORDER

Petitioner, a Virginia inmate, submitted a pro se petition pursuant to 28 U.S.C. § 2254. ECF No. 1. The Petition alleges violations of federal rights pertaining to Petitioner's convictions in the Circuit Court of Caroline County Robbery, Conspiracy to Commit Robbery and Aggravated Malicious Wounding. As a result of the convictions, Petitioner was sentenced on November 7, 2013, to serve forty-seven years' imprisonment in accordance with the jury's verdict.

The matter was referred to a United States Magistrate Judge pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and (C) and Rule 72 of the Rules of the United States District Court for the Eastern District of Virginia for report and recommendation. The Report and Recommendation filed December 3, 2018, recommends dismissal of the petition. ECF No. 19. Each party was advised of his right to file written objections to the findings and recommendations made by the Magistrate Judge. On January 4, 2019, Petitioner requested an extension to respond to the Report and Recommendation. The Court granted the request and directed the Petitioner to submit his objections to the Report and Recommendation by January 24, 2019. ECF No. 21. The Petitioner

timely filed objections to the Report and Recommendation. The Respondent has not responded to the Petitioner's objections and the time to do so has expired.

The Court, having reviewed the record and examined the objections filed by Petitioner to the Report and Recommendation, and having made *de novo* findings with respect to the portions objected to, **ADOPTS** and **APPROVES** the findings and recommendations set forth in the Report and Recommendation filed December 3, 2018. It is **ORDERED** that the Respondent's Motion to Dismiss (ECF No. 10) is **GRANTED** and that the petition (ECF No 1) is **DENIED** and **DISMISSED WITH PREJUDICE**. It is further **ORDERED** that Judgment is entered in favor of Respondent.

Petitioner has repeated the claims he made in his original petition and failed to demonstrate a substantial showing of the denial of a constitutional right. Therefore, the Court declines to issue any certificate of appealability pursuant to Rule 22(b) of the Federal Rules of Appellate Procedure. *See Miller-El v. Cockrell*, 537 U.S. 322, 336 (2003).

Petitioner is notified that he may appeal from the Judgment entered pursuant to this Final Order by filing a Notice of Appeal with the Clerk of this Court, United States Courthouse, 600 Granby Street, Norfolk, Virginia 23510, within thirty days from the date of entry of the Judgment.

The Clerk is **DIRECTED** to forward a copy of this Order to the Petitioner and counsel of record for the Respondent.



Arenda L. Wright Allen
UNITED STATES DISTRICT JUDGE

Norfolk, Virginia
February 20, 2019